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THE SITUATION IN BOSNIA
AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 31 October 1995 from the Permanent Representatives of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

We should be grateful if you would have the text of the agreements listed below circulated as an official document of the General Assembly, under agenda item 28, and of the Security Council:

(a) Further declaration of principles agreed by the representatives of the Governments of the Republic of Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Croatia on 26 September 1995 (annex I);

(b) Cease-fire Agreement for Bosnia and Herzegovina signed by the Bosnian parties on 5 October 1995 (annex II).

(Signed) Alain DEJAMMET
Ambassador
Permanent Representative of
France to the United Nations

(Signed) Tono EITEL
Ambassador
Permanent Representative of
Germany to the United Nations

(Signed) Serguei V. LAVROV
Ambassador
Permanent Representative of
the Russian Federation to
the United Nations

(Signed) Sir John WESTON
Ambassador
Permanent Representative of
the United Kingdom of Great Britain
and Northern Ireland to the
United Nations

(Signed) Madeleine K. ALBRIGHT
Ambassador
Permanent Representative of
the United States of America
to the United Nations

(Signed) Paolo FULCI
Ambassador
Permanent Representative of
Italy to the United Nations

ANNEX I

Further Agreed Basic Principles

(additional to those signed on 8 September 1995 at Geneva)*

4. Each of the two entities will honour the international obligations of Bosnia and Herzegovina, as long as the obligation is not a financial obligation incurred by one entity without the consent of the other.

5. It is the goal that free democratic elections be held in both entities as soon as social conditions permit. In order to maximize the democratic effectiveness of such elections, the following steps will be taken by both entities.

5.1 Both Governments will immediately pledge their full support, starting immediately, for (a) freedom of movement; (b) the right of displaced persons to repossess their property or to receive just compensation; (c) freedom of speech and of the press; and (d) protection of all other internationally recognized human rights in order to enhance and empower the democratic election process.

5.2 As soon as possible the Organization for Security and Cooperation in Europe (OSCE) (or other international organization) will station representatives in all principal towns throughout the Federation and the Republika Srpska in Bosnia and Herzegovina and publish monthly reports as to the degree to which (a) the obligations listed in all of the Agreed Basic Principles have been fulfilled, and (b) social conditions are being restored to a level at which the election process may be effective.

5.3 Within 30 days after the OSCE delegations have concluded that free and democratic elections can be properly held in both entities, the Governments of the two entities will conduct free and democratic elections and will fully cooperate with an international monitoring programme.

6. Following the elections, the affairs and prerogatives of Bosnia and Herzegovina will be vested in the following institutions, in accordance with all of the Agreed Basic Principles.

6.1 A parliament or assembly, two thirds of which will be elected from the territory of the Federation, and one third from the territory of the Republika Srpska. All parliamentary actions will be by majority vote provided that the majority includes at least one third of the votes from each entity.

6.2 A presidency, two thirds of which will be elected from the territory of the Federation, and one third from the territory of the Republika Srpska. All presidency decisions will be taken by majority vote, provided, however, that if one third or more of the members disagree with a decision taken by the other members and declare that decision to be destructive of a vital interest of the

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* For Agreed Basic Principles 1 to 3, see A/50/419-S/1995/780, annex II.

entity or entities from which the dissenting members were elected, the matter will be referred immediately to the appropriate entity's/entities' parliament. If any such parliament confirms the dissenting position by a two-thirds vote then the challenged decision will not take effect.

6.3 A cabinet of such ministers as may be appropriate.

6.4 A constitutional court with jurisdiction to decide all questions arising under the Constitution of Bosnia and Herzegovina as it will be revised in accordance with all of the Agreed Basic Principles.

6.5 The parties will negotiate in the immediate future as to further aspects of the management and operation of these institutions.

6.6 The foregoing institutions will have responsibility for the foreign policy of Bosnia and Herzegovina. The parties will negotiate further to determine the extent to which these institutions will also have responsibility for other matters consistent with all of the Agreed Basic Principles.

ANNEX II

Cease-fire Agreement for Bosnia and Herzegovina,
5 October 1995

The undersigned agree as follows:

1. Commencing on the effective date defined in paragraph 2 below, the parties will implement a cease-fire throughout all territory within the borders of Bosnia and Herzegovina by terminating all hostile military activities and by implementing the other provisions of this agreement.

2. The cease-fire will become effective at 0001 hours on 10 October 1995, provided that at that time full gas and electrical utility service shall have been restored in the city of Sarajevo; otherwise, the cease-fire will become effective at 0001 hours on the day following such restoration.

3. In order to allow for the negotiation and the commencement of the implementation of a Peace Agreement, this cease-fire will last for 60 days or until completion of proximity peace talks and a peace conference, whichever is later.

4. Pursuant to the cease-fire obligation, on the effective date all parties will immediately ensure that all military commanders issue and compel compliance with clear orders precluding (a) all offensive operations; (b) patrol and reconnaissance activities forward of friendly positions; (c) all offensive weapons' firings, including sniper fire; (d) the laying of additional mines; and (e) the creation of additional barriers or obstacles.

5. Upon the effective date all parties will immediately ensure (a) that all civilians and prisoners will be treated humanely, and (b) that all prisoners of war will be exchanged under the supervision of the United Nations Protection Force (UNPROFOR).

6. Commencing on the effective date the parties will cooperate with the cease-fire monitoring activities of UNPROFOR and will immediately report violations to appropriate UNPROFOR authorities.

7. Commencing on the effective date all parties will provide free passage and unimpeded road access between Sarajevo and Goražde along two primary routes (Sarajevo-Rogatica-Goražde, Belgrade-Goražde) for all non-military and UNPROFOR traffic.

8. During the period of the cease-fire, the undersigned will fully honour the obligations undertaken through the Geneva Agreed Basic Principles of 8 September 1995, the Framework Agreement of 14 September 1995, and the Further Agreed Principles of 26 September 1995, including (without limiting the generality of the foregoing) the obligation to afford all persons freedom of

movement and all displaced persons the right to return home and repossess their property.

For the Republic of
Bosnia and Herzegovina:
(Signed) A. IZETBEGOVIĆ

For Republika Srpska:

(Signed) Radovan KARADŽIĆ
(Signed) R. MLADIĆ

5 October 1995

For the Federation of
Bosnia and Herzegovina:

(Signed) A. IZETBEGOVIĆ

5 October 1995

Witness:

(Signed) John MENZIES
US Ambassador

Witness:

(Signed) Slobodan MILOŠEVIĆ